III. REMARKS

Claims 1-32 are pending in this application. By this amendment, claims 1, 10, 16 and 25 have been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 5, 7-9, 16-18k, 20, 22-23, 25-27, 29 and 31-32 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Clohessy *et al.* (U.S. Patent Pub. No. 2003/0023661 A1), hereafter "Clohessy." Claims 4, 19 and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Clohessy in view of Spencer (U.S. Patent Pub. No. 2003/0131226 A1), hereafter "Spencer." Claims 6, 10-11, 13-15, 21 and 30 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Clohessy in view of Carlson (U.S. Patent No. 6,697,849 B1), hereafter "Carlson." Claim 12 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Clohessy in view of Spencer and further in view of Carlson. Claim 24 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Clohessy in view of Sharma *et al.* (U.S. Patent Pub. No. 2005/0004974 A1), hereafter "Sharma."

**A. REJECTION OF CLAIMS 1-3, 5, 7-9, 16-18, 20, 22-23, 25-27, 29 AND 31-32 UNDER 35
U.S.C. §102(b)**

With regard to the 35 U.S.C. §102(b) rejection over Clohessy, Applicant asserts that Clohessy

does not teach each and every feature of the claimed invention. For example, with respect to

independent claims 1, 10, 16 and 25, Applicant submits that Clohessy fails to teach communicating,

prior to communicating any of the OSGi bundles to the client device, a list of the prerequisites from the

server to the client device, the prerequisites including a set of all OSGi bundles that are necessary for

utilizing the OSGi bundle. Rather, the passage of Clohessy cited by the Office discloses "...the

identified one or more new application components are loaded into the portable device." Para. 0046.

To this extent, it is application components themselves and not a list of prerequisites that Clohessy

loads. As such, the loading of Clohessy is not prior to the communicating of application components,

but rather, *is* the loading of application components. Further, Clohessy elsewhere describes these

application components as the same application components that are originally selected for download.

Para. 0038. As such, these application components of Clohessy are not bundles necessary for utilizing

the original application components, but rather are the application components, themselves.

In contrast, the claimed invention includes "...the prerequisites including a set of all OSGi

bundles that are necessary for utilizing the OSGi bundle ...communicating, prior to communicating

any of the OSGi bundles to the client device, a list of the prerequisites from the server to the client

device." Claim 1. As such, the list of the prerequisites that are communicated from the server to the

client device are not merely the originally selected application components as in Clohessy, but are

rather a list of prerequisites, the prerequisites including a set of all OSGi bundles that are necessary for

utilizing the OSGi bundle. Further, this list of prerequisites that are communicated are not the OSGi

list of prerequisites that are communicated are not the OSGi bundles themselves. Thus, the communication of the list of the prerequisites as included in the claimed invention is not taught by the loading of the one or more new application components in Clohessy. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 10, 16 and 25, Applicant respectfully submits that Clohessy also fails to teach receiving a response from the client device, wherein the response identifies any resource limitations of the client device determined by the client device based on a comparison of the list of the prerequisites and current resources of the client device, the resource limitations including all prerequisites of the list of the prerequisites that are not currently present on the client device. Instead, in the passage of Clohessy cited by the Office, comparison of the CARSRMAX with the maximum required runtime resources of the new application is a comparison of physical resources such as memory and does not include all prerequisites of the list of the prerequisites that are not currently present on the client device. Para. 0041-0042. Furthermore, the comparison itself is performed at the server and not at a client device as in the claimed invention. For the above reasons, the comparison of Clohessy does not teach the response based on the comparison of the claimed invention. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

C. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections over Clohessy in view of various other references, Applicant asserts that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: January 12, 2009

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